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THE CLASSICAL WEEKLY

Entered as second-class matter November 18, 1907, at the Post Office, New York, N. Y., under the Act of Congress of March 1, 1879

VOL. VI

NEW YORK, MARCH 1, 1913

No. 17

Classical teachers who are seeking amusement, not unmixed with irritation, should read a paper entitled A Critique of High School Latin, by C. L. Staples, Instructor in Education and Psychology at the State Normal School, Millersville, Pa., which appeared in the December number of the Pedagogical Seminary. I append some extracts, which, however, do not do justice to the whole paper.

The study of the piano affords more liberal training than the study of Latin; for the latter trains only the brain and a special series of eye muscles, while the former includes training of the ear, hands, arms, feet, and body with the result of a social accomplishment and a possible future vocation.

Any teacher who maintains by magazine article or private conversation that the study of Latin is not rapidly dying in the American public high school is either blind to the drift of educational tendencies or is like the small politician, always verbally sure of election during his campaign speeches. He is a mere mouthpiece for educational white lies.

Culture and discipline are not confined to the Latin language or the Latin literature; culture and discipline are obtained from the study of every subject in the high school course.

The argument that the study of Latin words aids the knowledge of English words is a sound practical argument worthy of attention.

In 1909 appeared the revised edition of the Vocabulary of High School Latin. This list of 2000 Latin words may well be the list from which we can form a judgment as to the kind of Latin words our boys and girls are studying in American high schools.

In 1912 appeared a parallel list entitled the Vocabulary of Practical Latin, being the 2000 most important, scientific, professional Latin words in the English Dictionary.

Quoting from the preface of the first list the suggestion of a division of these 2000 words into approximately 500 words a year he proceeds:

Such is the ideal of Latin study announced by one of the greatest American universities. Think of it! Can it be that 1800 years after the death of Caesar the 500 words of most common occurrence in the four books of his Gallic Wars are the most useful, cultural, disciplinary, the most important Latin words for American boys and girls to learn in the first year of the high school? Certainly not, unless by a miraculous coincidence of fate.

Would that a chime of clarion bells ringing down the whole gamut of the musical scale would resound the astounding fact that the vocabulary of

the first year Latin in the American high school is an antiquated list 1800 years old of the 500 words mathematically appearing most often in Caesar's Gallic War. O senseless collection! And shame to American scholarship because so unthinking!

Conversation, criticism, and public opinion of American fathers and mothers should compel the vocabulary of Latin in the first year high school to be a new list of the 500 Latin words of greatest value in present-day English grammar, science and profession.

It seems incredible to state that not one question from all four papers <of recent Regents' Examinations> can be found in regard to the derivation or meaning of English words.

This educational error is revealed in the introduction to the Vocabulary of High School Latin where twelve pages are devoted to the composition and formation of Latin words and not one page is devoted to the composition and formation of English words derived from Latin. . . . This is but another glaring defect in the present, perverted conception of Latin study and only goes to substantiate the statement that Latin is taught blindly to-day. The aim and goal of the present method of Latin instruction in American high schools is not Latin for the sake of English but Latin for the sake of Latin—and that Latin, too, which existed in the days of Caesar, Cicero and Vergil, almost 2000 years ago.

And this is not the entire story. Many Latin words taught in the high school are a decided detriment because the meanings they originally possessed in Latin are far different from the meanings they now possess in modern science.

As examples he cites *opera*, in music, *focus* in physics, *ratio* in algebra, *impetus* in physics.

In the present vocabulary of high school Latin the words really of value from the point of view of information are in the ridiculously small proportion indicated below: medicine, architecture and mathematics, 1 each; physiology and botany, 3 each; zoology and anatomy, 4 each; chemistry, 6; law, 7; astronomy, 9. Less than 50 words out of the entire 2000 are of real use to the boy intending to select a professional vocation!

Finally, let us compare the two lists entitled the Vocabulary of High School Latin, the present course, and the Vocabulary of Practical Latin, those really useful words found in Webster's dictionary. The amazing fact is revealed that out of the entire 4000 Latin words of the two combined lists only 99 are common to both lists! American educators and teachers, just think of the fact that only 99 words out of the entire 2000 Latin words in the present high school course are useful from the

point of view of conveying to the student any valuable scientific or professional knowledge.

The statistics and arguments presented above . . . warrant the establishment of a parallel one year course of Applied Latin. . . . Such a parallel course would tend to exert greater intensity of interest in the students preparing for college because of their common purpose. And that far larger mass of students for whom the high school is the last institution of formal training would profit

1. by a Latin course better suited to their practical needs.

2. by a year's preparation for the study of modern inflected languages.

3. by valuable training in the foundations of English grammar and word-derivation, and finally,

4. by a direct knowledge of scientific Latin most intimately related to practical life.

I shall have some comments to make upon this vocational programme in the next issue. Meanwhile it may be added that upon enquiry it was found that this list of 2000 practical Latin words was embodied in a thesis presented to the University of Pennsylvania last spring, which is as yet unpublished.

G. L.

ON THE LEGALITY OF THE TRIAL AND CON- DEMNATION OF THE CATILINARIAN CONSPIRATORS

This paper makes no attempt to deal with the question of evidence. Assuming the guilt of the accused to have been established, it aims to present the trial and the sentence in their historical and legal setting.

The right of appeal in cases affecting the *caput*—citizenship or life—was guaranteed to the Roman citizen by the Valerian and the Porcian laws. When, shortly before the time of the Gracchi, the Romans began to legislate for the establishment of standing courts, *quaestiones perpetuae*, with the power to try capital cases and to decide them finally, the people considered the new institution no infringement on their rights; for the transfer of judicial power from themselves to such a court was wholly voluntary on their part. Special judiciary commissions, *quaestiones extraordinariae*, were viewed in a different light. The custom of appointing such commissions for the trial and punishment of a particular individual or of a particular class of individuals had arisen in the fifth century B.C., in a time of almost absolute senatorial rule, and therefore the power of appointing such extraordinary commissions was vested in the senate¹. But when about the beginning of the third century B.C. popular sovereignty was well established, the third Valerian law, passed in 300 B.C., was so interpreted as to forbid the creation of a special court except by a vote of the people; this custom was adhered to throughout the third century. But after the close of the war with

Hannibal the senate began to resume the sovereign powers which it had exercised in the fifth century and had lost near the close of the fourth, and to abridge correspondingly the rights of the comitia. Early in the second century in two known instances it dared on its own responsibility to appoint special commissions for the trial of citizens. The first was created in 186 B.C. for the trial of the Bacchanalians²; the second occasion was the appointment of two commissions, in 180 B.C., for the detection and trial of poisoners in Rome and Italy³.

Similar in character to the special judiciary commission appointed by the senate, but far more sweeping in effect, was the *senatus consultum ultimum*: *Videant consules <and perhaps other magistrates>, ne quid respublica detrimenti capiat*. This in crises armed the consuls <and other magistrates> with absolute power of life and death over the citizens. By these means the senate circumvented the laws of appeal. It can be seen at once that the nobility might make use of this extraordinary power to rid itself of a political adversary, so as to render impossible any reform of which it did not approve.

Whether the senate should continue to exercise this power became a burning party question of the revolution initiated in the time of the Gracchi. Against its continuance Ti. Gracchus planned a new law, which he did not live to see enacted⁴. His own followers were ruthlessly condemned, without the privilege of appeal, by an extraordinary *quaestio* under P. Popillius Laenas, consul in 132 B.C.⁵ To put an end to such circumvention of a well-established right of the people, C. Gracchus in his first tribunate, 123 B.C., carrying into effect the plan of his brother, passed the often mentioned *Lex Sempronia De Provocatione*, which absolutely forbade capital sentence upon a citizen without an order of the people⁶. The wording of the statute indicates that it was intended, not to abolish extraordinary commissions and powers, but to allow their establishment in no other way than by popular vote. It reiterated, too, the article of the Porcian statute which prohibited the infliction of the death penalty on civilians⁷. Anyone who violated the statute could be brought by the tribunes before the comitia centuriata on a charge of *perduellio*, and could be punished by interdict from fire and water⁸.

It is well known that, in spite of this Sempronian statute, the senate took advantage of an election disturbance to pass the *consultum ultimum* under which C. Gracchus, who had done no wrong, and

¹ Livy 39.8-19; C. I. L. 1.196 = 10.104.

² Livy 40.37.

³ Plutarch Ti. Gracch. 16.

⁴ Plutarch C. Gracch. 4; Cic. Lael. 37.

⁵ Cic. Rab. Perd. 12; Verr. 5. 163; Sest. 61; Schol. Gronov. 412; Schol. Ambros. 370; Plut. C. Gracch. 4.

⁶ Sall. Cat. 51; Cic. Cat. 1.28; 4.10.

⁷ Cic. Dom. 82; Plut. C. Gracch. 4.

⁸ 414 B.C. See Livy 4.50.6 ff.; for later cases see Livy 8.18; Val. Max. 2.5.3 and Livy 9.26.